

REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-21, 27 and 28 are pending in this application. By this Amendment, claims 1, 8, 10-14 and 17-20 are amended, and claims 5-7, 15, 16, 21- 28 are cancelled. No new matter is added.

I. Claim for Priority

This application is a national stage application of PCT/JP03/10054. The Examiner correctly acknowledges the claim for foreign priority, but states that certified copies of the priority documents have not been received. Applicants submit herewith a copy of Form PCT/IB/304 from PCT/JP03/10054, which indicates that the certified priority documents were received by the International Bureau. Accordingly, Applicants respectfully request the Examiner to acknowledge that copies of the certified priority documents have been received.

II. Claim Objection

The Examiner objects to claims 1-16 for containing non-elected subject matter. By this Amendment, claims 1 and 8 are amended, and claims 5-7 are cancelled, without prejudice, to remove the non-elected subject matter. Accordingly, reconsideration and withdrawal of the objection are respectfully requested.

III. Claim Rejections under 35 U.S.C. § 112, First Paragraph

The Examiner rejects claims 1-16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the claims lack adequate support in the specification for the terms “hydrocarbon group” and “prodrug.” By this Amendment, the terms “hydrocarbon group” and “prodrug” have been deleted.

The Examiner asserts that claims 11-14 are rejected for the term “prophylactic.” By this Amendment, the term “prophylactic” has been deleted.

The Examiner rejects claims 15 and 16. By this Amendment, claims 15 and 16 have been cancelled without prejudice, rendering their rejection moot.

Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

IV. Claim Rejection under 35 U.S.C. § 112, Second Paragraph

The Examiner rejects claims 1-16 under 35 U.S.C. § 112, second paragraph, as being indefinite for the terms “hydrocarbon group” and “prodrug.” As discussed above, these terms have been deleted, rendering the rejection moot. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Claim Rejection under 35 U.S.C. § 102

The Examiner rejects claims 10-16 under 35 U.S.C. § 102(b) as being anticipated by Sakurai et al. By this Amendment, claims 15 and 16 have been cancelled, rendering their rejection moot. As to the remaining claims, Applicants respectfully traverse the rejection.

Claim 1 is directed to a compound of Formula (I) wherein ring A is an optionally substituted 5- to 10-membered aromatic ring, and L is a C₁₋₁₀ alkylene group. The compound disclosed in the Sakurai et al. reference does not disclose these claimed features.

For example, the compound in the reference discloses a cyclohexane bonded to a pyridine, rather than an aromatic ring bonded to a pyridine, as claimed. In addition, the reference compound discloses a C(O) moiety at position L, rather than a C₁₋₁₀ alkylene group, as claimed.

Accordingly, the Sakurai et al. reference does not disclose each and every feature of claim 1. Therefore, the Sakurai et al. reference does not anticipate claim 1. Claims 10-14 depend directly or indirectly from claim 1 and, thus, also are not anticipated by the Sakurai et al. reference.

Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

VI. Rejoinder

Because the elected Group XII has overcome all of the rejections, Applicants believe claims 1-4 and 8-14 are in condition for allowance. Therefore, Applicants respectfully request rejoinder of method of treatment claims 17-20, which depend from claim 1.


VII. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-4, 8-14 and 17-20 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

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